



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3214

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

725 ILCS 120/4.5

Amends the Rights of Crime Victims and Witnesses Act. Requires the Prisoner Review Board to develop and prepare a victim notification request form that a victim may use to provide the Board with the written request for notice under this Act. Requires the Prisoner Review Board to make the victim notification request form available to each State's Attorney. Requires the State's Attorney after sentencing of the defendant to provide the crime victim with the victim notification request form that the victim may use to: (1) request the Prisoner Review Board to notify the crime victim of the release or transfer of the defendant; or (2) request not to receive notifications from the Prisoner Review Board concerning the defendant.

LRB098 09089 MRW 39226 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rights of Crime Victims and Witnesses Act is
5 amended by changing Section 4.5 as follows:

6 (725 ILCS 120/4.5)

7 Sec. 4.5. Procedures to implement the rights of crime
8 victims. To afford crime victims their rights, law enforcement,
9 prosecutors, judges and corrections will provide information,
10 as appropriate of the following procedures:

11 (a) At the request of the crime victim, law enforcement
12 authorities investigating the case shall provide notice of the
13 status of the investigation, except where the State's Attorney
14 determines that disclosure of such information would
15 unreasonably interfere with the investigation, until such time
16 as the alleged assailant is apprehended or the investigation is
17 closed.

18 (a-5) When law enforcement authorities re-open a closed
19 case to resume investigating, they shall provide notice of the
20 re-opening of the case, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation.

23 (b) The office of the State's Attorney:

1 (1) shall provide notice of the filing of information,
2 the return of an indictment by which a prosecution for any
3 violent crime is commenced, or the filing of a petition to
4 adjudicate a minor as a delinquent for a violent crime;

5 (2) shall provide notice of the date, time, and place
6 of trial;

7 (3) or victim advocate personnel shall provide
8 information of social services and financial assistance
9 available for victims of crime, including information of
10 how to apply for these services and assistance;

11 (3.5) or victim advocate personnel shall provide
12 information about available victim services, including
13 referrals to programs, counselors, and agencies that
14 assist a victim to deal with trauma, loss, and grief;

15 (4) shall assist in having any stolen or other personal
16 property held by law enforcement authorities for
17 evidentiary or other purposes returned as expeditiously as
18 possible, pursuant to the procedures set out in Section
19 115-9 of the Code of Criminal Procedure of 1963;

20 (5) or victim advocate personnel shall provide
21 appropriate employer intercession services to ensure that
22 employers of victims will cooperate with the criminal
23 justice system in order to minimize an employee's loss of
24 pay and other benefits resulting from court appearances;

25 (6) shall provide information whenever possible, of a
26 secure waiting area during court proceedings that does not

1 require victims to be in close proximity to defendant or
2 juveniles accused of a violent crime, and their families
3 and friends;

4 (7) shall provide notice to the crime victim of the
5 right to have a translator present at all court proceedings
6 and, in compliance with the federal Americans with
7 Disabilities Act of 1990, the right to communications
8 access through a sign language interpreter or by other
9 means;

10 (8) in the case of the death of a person, which death
11 occurred in the same transaction or occurrence in which
12 acts occurred for which a defendant is charged with an
13 offense, shall notify the spouse, parent, child or sibling
14 of the decedent of the date of the trial of the person or
15 persons allegedly responsible for the death;

16 (9) shall inform the victim of the right to have
17 present at all court proceedings, subject to the rules of
18 evidence, an advocate or other support person of the
19 victim's choice, and the right to retain an attorney, at
20 the victim's own expense, who, upon written notice filed
21 with the clerk of the court and State's Attorney, is to
22 receive copies of all notices, motions and court orders
23 filed thereafter in the case, in the same manner as if the
24 victim were a named party in the case;

25 (10) at the sentencing hearing shall make a good faith
26 attempt to explain the minimum amount of time during which

1 the defendant may actually be physically imprisoned. After
2 the sentencing hearing, the ~~The~~ Office of the State's
3 Attorney shall provide the crime victim with a victim
4 notification request form by which ~~further notify~~ the crime
5 victim may: ~~of the right to~~

6 (A) request ~~from~~ the Prisoner Review Board to
7 notify him or her of ~~information concerning~~ the release
8 or transfer of the defendant under subparagraph (d) (1)
9 of this Section; or

10 (B) request the Prisoner Review Board to not send
11 notifications concerning the defendant to the crime
12 victim; and

13 (11) shall request restitution at sentencing and shall
14 consider restitution in any plea negotiation, as provided
15 by law; and

16 (12) shall, upon the court entering a verdict of not
17 guilty by reason of insanity, inform the victim of the
18 notification services available from the Department of
19 Human Services, including the statewide telephone number,
20 under subparagraph (d) (2) of this Section.

21 (c) At the written request of the crime victim, the office
22 of the State's Attorney shall:

23 (1) provide notice a reasonable time in advance of the
24 following court proceedings: preliminary hearing, any
25 hearing the effect of which may be the release of defendant
26 from custody, or to alter the conditions of bond and the

1 sentencing hearing. The crime victim shall also be notified
2 of the cancellation of the court proceeding in sufficient
3 time, wherever possible, to prevent an unnecessary
4 appearance in court;

5 (2) provide notice within a reasonable time after
6 receipt of notice from the custodian, of the release of the
7 defendant on bail or personal recognizance or the release
8 from detention of a minor who has been detained for a
9 violent crime;

10 (3) explain in nontechnical language the details of any
11 plea or verdict of a defendant, or any adjudication of a
12 juvenile as a delinquent for a violent crime;

13 (4) where practical, consult with the crime victim
14 before the Office of the State's Attorney makes an offer of
15 a plea bargain to the defendant or enters into negotiations
16 with the defendant concerning a possible plea agreement,
17 and shall consider the written victim impact statement, if
18 prepared prior to entering into a plea agreement;

19 (5) provide notice of the ultimate disposition of the
20 cases arising from an indictment or an information, or a
21 petition to have a juvenile adjudicated as a delinquent for
22 a violent crime;

23 (6) provide notice of any appeal taken by the defendant
24 and information on how to contact the appropriate agency
25 handling the appeal;

26 (7) provide notice of any request for post-conviction

1 review filed by the defendant under Article 122 of the Code
2 of Criminal Procedure of 1963, and of the date, time and
3 place of any hearing concerning the petition. Whenever
4 possible, notice of the hearing shall be given in advance;

5 (8) forward a copy of any statement presented under
6 Section 6 to the Prisoner Review Board to be considered by
7 the Board in making its determination under subsection (b)
8 of Section 3-3-8 of the Unified Code of Corrections.

9 (d) (1) The Prisoner Review Board shall inform a victim or
10 any other concerned citizen, upon written request, of the
11 prisoner's release on parole, mandatory supervised release,
12 electronic detention, work release, international transfer or
13 exchange, or by the custodian of the discharge of any
14 individual who was adjudicated a delinquent for a violent crime
15 from State custody and by the sheriff of the appropriate county
16 of any such person's final discharge from county custody. The
17 Prisoner Review Board, upon written request, shall provide to a
18 victim or any other concerned citizen a recent photograph of
19 any person convicted of a felony, upon his or her release from
20 custody. The Prisoner Review Board, upon written request, shall
21 inform a victim or any other concerned citizen when feasible at
22 least 7 days prior to the prisoner's release on furlough of the
23 times and dates of such furlough. Upon written request by the
24 victim or any other concerned citizen, the State's Attorney
25 shall notify the person once of the times and dates of release
26 of a prisoner sentenced to periodic imprisonment. Notification

1 shall be based on the most recent information as to victim's or
2 other concerned citizen's residence or other location
3 available to the notifying authority. The Prisoner Review Board
4 shall develop and prepare a victim notification request form
5 that a victim may use to provide the Board with the written
6 request for notice under this Act. The Prisoner Review Board
7 shall make the victim notification request form available to
8 each State's Attorney.

9 (2) When the defendant has been committed to the Department
10 of Human Services pursuant to Section 5-2-4 or any other
11 provision of the Unified Code of Corrections, the victim may
12 request to be notified by the releasing authority of the
13 approval by the court of an on-grounds pass, a supervised
14 off-grounds pass, an unsupervised off-grounds pass, or
15 conditional release; the release on an off-grounds pass; the
16 return from an off-grounds pass; transfer to another facility;
17 conditional release; escape; death; or final discharge from
18 State custody. The Department of Human Services shall establish
19 and maintain a statewide telephone number to be used by victims
20 to make notification requests under these provisions and shall
21 publicize this telephone number on its website and to the
22 State's Attorney of each county.

23 (3) In the event of an escape from State custody, the
24 Department of Corrections or the Department of Juvenile Justice
25 immediately shall notify the Prisoner Review Board of the
26 escape and the Prisoner Review Board shall notify the victim.

1 The notification shall be based upon the most recent
2 information as to the victim's residence or other location
3 available to the Board. When no such information is available,
4 the Board shall make all reasonable efforts to obtain the
5 information and make the notification. When the escapee is
6 apprehended, the Department of Corrections or the Department of
7 Juvenile Justice immediately shall notify the Prisoner Review
8 Board and the Board shall notify the victim.

9 (4) The victim of the crime for which the prisoner has been
10 sentenced shall receive reasonable written notice not less than
11 30 days prior to the parole interview and may submit, in
12 writing, on film, videotape or other electronic means or in the
13 form of a recording or in person at the parole interview or if
14 a victim of a violent crime, by calling the toll-free number
15 established in subsection (f) of this Section, information for
16 consideration by the Prisoner Review Board. The victim shall be
17 notified within 7 days after the prisoner has been granted
18 parole and shall be informed of the right to inspect the
19 registry of parole decisions, established under subsection (g)
20 of Section 3-3-5 of the Unified Code of Corrections. The
21 provisions of this paragraph (4) are subject to the Open Parole
22 Hearings Act.

23 (5) If a statement is presented under Section 6, the
24 Prisoner Review Board shall inform the victim of any order of
25 discharge entered by the Board pursuant to Section 3-3-8 of the
26 Unified Code of Corrections.

1 (6) At the written request of the victim of the crime for
2 which the prisoner was sentenced or the State's Attorney of the
3 county where the person seeking parole was prosecuted, the
4 Prisoner Review Board shall notify the victim and the State's
5 Attorney of the county where the person seeking parole was
6 prosecuted of the death of the prisoner if the prisoner died
7 while on parole or mandatory supervised release.

8 (7) When a defendant who has been committed to the
9 Department of Corrections, the Department of Juvenile Justice,
10 or the Department of Human Services is released or discharged
11 and subsequently committed to the Department of Human Services
12 as a sexually violent person and the victim had requested to be
13 notified by the releasing authority of the defendant's
14 discharge, conditional release, death, or escape from State
15 custody, the releasing authority shall provide to the
16 Department of Human Services such information that would allow
17 the Department of Human Services to contact the victim.

18 (8) When a defendant has been convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act and
20 has been sentenced to the Department of Corrections or the
21 Department of Juvenile Justice, the Prisoner Review Board shall
22 notify the victim of the sex offense of the prisoner's
23 eligibility for release on parole, mandatory supervised
24 release, electronic detention, work release, international
25 transfer or exchange, or by the custodian of the discharge of
26 any individual who was adjudicated a delinquent for a sex

1 offense from State custody and by the sheriff of the
2 appropriate county of any such person's final discharge from
3 county custody. The notification shall be made to the victim at
4 least 30 days, whenever possible, before release of the sex
5 offender.

6 (e) The officials named in this Section may satisfy some or
7 all of their obligations to provide notices and other
8 information through participation in a statewide victim and
9 witness notification system established by the Attorney
10 General under Section 8.5 of this Act.

11 (f) To permit a victim of a violent crime to provide
12 information to the Prisoner Review Board for consideration by
13 the Board at a parole hearing of a person who committed the
14 crime against the victim in accordance with clause (d)(4) of
15 this Section or at a proceeding to determine the conditions of
16 mandatory supervised release of a person sentenced to a
17 determinate sentence or at a hearing on revocation of mandatory
18 supervised release of a person sentenced to a determinate
19 sentence, the Board shall establish a toll-free number that may
20 be accessed by the victim of a violent crime to present that
21 information to the Board.

22 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;
23 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;
24 97-815, eff. 1-1-13.)